

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 1. This sheet, which includes Figure 1, replaces the original Sheet 1 of 4, including Figure 1.

Attachment: Replacement Sheet 1 of 4

REMARKS/ARGUMENTS:

Status of the application

This paper is responsive to the Office Action mailed on November 13, 2007 (the “November 13, 2007 Office Action”). Claims 1–80 are pending in this application and stand rejected. Claims 24, 26, and 71, as well as Figure 1, are amended herein. All claim amendments are fully supported by the written description. Applicants respectfully submit the following remarks in support of patentability.

Amendments

Applicants have amended Figure 1 and claim 71 to comply with the Examiner’s comments in the November 13, 2007 Office Action. Applicants have also amended claims 24 and 26 in a manner we respectfully submit to be responsive to the Examiner’s rejection under 35 U.S.C. § 102(e) in the November 13, 2007 Office Action.

Claim rejections under 35 U.S.C. § 103

Claims 1–4, 9–18 and 22–23, 25, and 27–80 stand rejected under 35 U.S.C. § 103(a) over US 2004/0205248 to Little et al. (“Little”) in view of US 2003/0120733 to Forman (“Forman”). Applicants respectfully request withdrawal of the rejections for at least the following reasons.

In the November 13, 2007 Office Action, the Examiner concedes that Little on its own “does not explicitly disclose that the data is only transmitted when the at least one relay arrangement determines that the at least one wireless device can receive the data,” as required by the noted claims and cites Forman for this feature. But Forman does not disclose or suggest the claimed approach either.

Rather, Forman seeks to “avoid[] the situation in which a user spends time and effort to compose a message to a recipient...” Forman at para. 29; *see also* Forman at para. 44. In contrast, in Applicants’ system the email *has been composed and sent by the user*. In other words, as set forth in Applicants’ claims, the system is for “transmitting data stored in at least one database.” There is only data if the message is already composed. Furthermore, in Applicants’ system, the user has relinquished control of the email prior to

any determination as to whether the email can reach its intended destination. As set forth in Applicants' claims the data is available to be sent (*i.e.*, "push[ed]") to the "at least one wireless device" only if it has been released (*i.e.*, sent) by the user. As discussed further below, the user has no decision in whether the data is "push[ed]" in Applicants' claims. Forman, however, "allows users of the email applications [] to check status of an email address **before** sending any message to that email address." Forman at para. 35 (emphasis added).

Additionally, in Forman, the server application does **not** actually make the decision whether to transmit the data. Instead, in Forman, the sender side server application (email server system 11) communicates, to the human user at the sender side client application (email application 20), whether or not a particular address has, for example, an "out-of-office" status displayed; and at this point the **user** then makes the decision whether or not to transmit the data. In contrast, Applicants' claims require the "relay arrangement" (*i.e.*, **computer**) makes the actual decision to transmit the data to the wireless application once it determines that the intended recipient wireless device is available to receive the data.

Additionally, in Applicants' system, the Relay Arrangement is associated with the **recipient** wireless device as opposed to Forman where the determination is made on the **sender** side by the composer of the email. As discussed above, in Applicants' claims the email has been composed and sent by the user. The "relay arrangement", "server arrangement" and "firewall arrangement" are all associated with getting the data to "the at least one wireless device".

Additionally, in Forman, once the user decides to send data, the data is transmitted directly to the recipient's email address **whether or not** the intended recipient is available. Conversely, in Applicants' claims, once the data is sent from the user at the sender application, the data is "**only transmitted when the at least one relay arrangement determines that the at least one wireless device can receive the data ...**" (emphasis added).

Applicants submit that Forman adds nothing to Little which can properly support a rejection under 35 U.S.C. § 103(a).

Applicants submit that independent claims 1 and 55 are patentable for at least the foregoing reasons. Independent claims 10, 14, 15 and 71 recite similar limitations and are patentable for at least the same reasons as claims 1 and 55.

Finally, Applicants submit that dependent claims 2-4, 9, 11-13, 16-18, 22-23, 25, 27-54, 56-70 and 72-80 are also allowable for at least the same reasons as independent claims 1, 10, 14, 15, 55 and 71 from which they depend.

Additional claim rejections under 35 U.S.C. § 103

Claims 5-8 and 19-21 were rejected under 35 U.S.C. § 103(a) over Little in view of US 6,779,039 to Bommareddy et al. ("Bommareddy"). Claims 5-8 and 19 depend from claim 1; claim 20 depends from claim 10; claim 21 depends from claim 14. Applicants submit that claims 5-8 and 19-21 are allowable for at least the same reasons as their parent claims 1, 10 and 14, and respectfully request withdrawal of the rejections.

CONCLUSIONS

In view of the foregoing remarks, Applicants respectfully request withdrawal of all grounds of rejection, and allowance of all pending claims in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: January 11, 2008
Reg. No. 33,497

Customer No. 051414
Tel. No.: (617) 570-1607
Fax No.: (617) 523-1231

/Steven J. Frank/
Steven J. Frank
Attorney for Applicants
Goodwin Procter LLP
Exchange Place
Boston, Massachusetts 02109